

**John White d/b/a White Installation and Carpenters  
District Council of Western Pennsylvania a/w  
United Brotherhood of Carpenters and Joiners  
of America, AFL-CIO. Case 6-CA-24016**

**SUPPLEMENTAL DECISION AND ORDER**

BY CHAIRMAN STEPHENS AND MEMBERS  
DEVANEY AND RAUDABAUGH

On April 20, 1992, the National Labor Relations Board issued a Decision and Order,<sup>1</sup> *inter alia*, ordering the Respondent, John White d/b/a White Installation, to make whole certain of its unit employees for loss of earnings and other benefits resulting from the Respondent's failure to abide by the provisions of its collective-bargaining agreement in violation of the National Labor Relations Act.

A controversy having arisen over the amount of backpay due employees, on May 4, 1993, the Regional Director for Region 6 issued a compliance specification and notice of hearing alleging the amount due under the Board's Order, and notifying the Respondent that it should file a timely answer complying with the Board's Rules and Regulations. Although properly served with a copy of the compliance specification, the Respondent has failed to file an answer.

By letter dated May 27, 1993, and sent by certified mail, the General Counsel reminded the Respondent of its obligation to file an answer and informed the Respondent that unless an answer was received by close of business on the third day following receipt of the letter or unless an extension of time for filing the answer had been granted, summary judgment would be sought. No extension was granted. The Respondent filed no answer.

On June 22, 1993, the General Counsel filed with the Board a motion to transfer the case to and continue backpay proceedings before the Board and for summary judgment, with exhibits attached. On June 24, 1993, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent again filed no response. The allegations in the motion and in the compliance specification are therefore undisputed.

**Ruling on the Motion for Summary Judgment**

Section 102.56(a) of the Board's Rules and Regulations provides that the Respondent shall file an answer within 21 days from service of a compliance specification. Section 102.56(c) of the Board's Rules and Regulations states:

If the respondent fails to file any answer to the specification within the time prescribed by this

<sup>1</sup> 307 NLRB No. 21.

section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the compliance specification to be admitted as true, and grant the General Counsel's Motion for Summary Judgment. Accordingly, we conclude that the net amounts due the employees and the benefit funds are as stated in the compliance specification and we will order payment by the Respondent to the employees and the benefit funds.

**ORDER**

The National Labor Relations Board orders that the Respondent, John White d/b/a White Installation, Pittsburgh, Pennsylvania, its officers, agents, successors, and assigns, shall make whole the individuals named below, by (1) paying them the amounts following their names, with interest to be computed in the manner prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), minus tax withholdings required by Federal and state laws:

Charles Lally	\$1955.00
David Roy	1313.25
Frank Brudnik	726.75

and (2) by payment on behalf of each of the named employees to the Carpenter's District Council of Western Pennsylvania a/w United Brotherhood of Carpenters and Joiners of America, AFL-CIO the amount established for unpaid Carpenter union fringe benefits set opposite his name, plus interest thereon to the date of payment:

Charles Lally	\$694.03
David Roy	466.22
Frank Brudnik	258.01

Dated, Washington, D.C. July 19, 1993

---

James M. Stephens,	Chairman
--------------------	----------

---

Dennis M. Devaney,	Member
--------------------	--------

---

John Neil Raudabaugh,	Member
-----------------------	--------

(SEAL) NATIONAL LABOR RELATIONS BOARD